

## **HAMPTON PLANNING BOARD**

### **Minutes**

**May 7, 2008 – 7:00 p.m.**

**PRESENT:** Tracy Emerick, Chair  
Robert Viviano, Vice-Chair  
Mark Loopley, Clerk  
Fran McMahon  
Keith Lessard  
Richard Bateman, Selectman Member  
James Steffen, Town Planner  
Candice Sicard, Planning Secretary

**ABSENT:**

**I. CALL TO ORDER**

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

**II. ATTENDING TO BE HEARD**

**III. NEW PUBLIC HEARINGS**

**08-019 18 Riverview Terrace**

Map 292 Lot 30

Applicant: Matthew Croteau

Condo Conversion of existing structures.

Waiver Request: Sections V E Detailed Plan and VII D Drainage

**BOARD**

Chairman Emerick noted the applicant has requested a continuance.

**MOVED** by Mr. Lessard to continue the referenced application to the June 4, 2008 Planning Board Meeting.

**SECOND** by Mr. Loopley

**VOTE:** 7-0-0 **MOTION PASSED**

**08-021 58 Glade Path**

Map 273 Lot 7

Special Permit to Impact Wetlands: To rebuild existing berm that is eroding due to the last two winter storms. Rebuild earthen berm with riprap.

Owner of Record: Richard & Audrey Zannini

**APPLICANT**

Richard Zannini briefly described the proposed application. Mr. Higgins noted that the applicant is required by the State to maintain the berm.

**PUBLIC**

No comment

**BOARD**

Mr. McMahon asked about the condition of berm of the two abutters. Mr. Zannini explained that the damage spans the length of the street and that the damage has occurred over two winter storms. The Board discussed a previous case at Plaice Cove and its relation to the Zannini application. Mr. Zannini explained their specific situation and why they need to replace the existing berm.

**MOVED** by Mr. Loopley to approve the special permit application with the conditions of the Conservation Commission letter and its stipulation checklist dated May 2, 2008.

**HAMPTON PLANNING BOARD**

**Minutes**

**May 7, 2008 – 7:00 p.m.**

**SECOND** by Mr. Lessard

**VOTE:** 7-0-0                      **MOTION PASSED**

**08-023 446 High Street**

Map 166 Lot 9

Applicant: Chandler W. Rudd

Special Permit to Impact Wetlands: Move existing second floor deck twelve feet to the West. Install picket fence along tree line from the edge at High Street to the Northwest corner of the building.

Owner of Record: Chandler W. & Darlene A. Rudd

**APPLICANT**

Chandler Rudd explained that he is in the process of putting an addition on to the back of his house and to do this he must move the existing second floor deck and install a picket fence. Mr. Higgins noted that the Conservation Commission was pleased with the current plan and cooperation by the applicant

**PUBLIC**

No comment

**BOARD**

No comment

**MOVED** by Mr. Loopley approve the special permit application with the conditions of the Conservation Commission letter and its stipulation checklist dated May 2, 2008.

**SECOND** by Mr. Lessard

**VOTE:** 7-0-0                      **MOTION PASSED**

**08-024 Lot 1 Haven Lane**

Map 138 Lot 1

Applicants: Richard A. Bley & Ruth E. Bley Trustees

Special Permit to Impact Wetlands: Construction of access road and instillation of utilities for new community well.

Owner of Record: Richard A. Bley Revocable Trust & Ruth E. Bley Revocable Trust

**BOARD**

Chairman Emerick noted the applicant has requested a continuance.

**MOVED** by Mr. Lessard to continue the referenced application to the June 4, 2008 Planning Board Meeting.

**SECOND** by Mr. Viviano

**VOTE:** 7-0-0                      **MOTION PASSED**

**IV. CONTINUED PUBLIC HEARINGS**

**07-097 Ezra Real Estate LLC Cont. from 12/05/07 & 01/16/08, 02/20/08, 04/16/08**

165 Island Path

Map 280 Lot 22-2 & Map 281 Lot 43

Special Permit to Impact Wetlands to construct a duplex on the property.

Applicant: Ezra Real Estate LLC

Owner of Record: John & Ann Hangen

**07-098 Ezra Real Estate LLC**

165 Island Path

## **HAMPTON PLANNING BOARD**

### **Minutes**

**May 7, 2008 – 7:00 p.m.**

Map 280 Lot 22-2 & Map 281 Lot 43

Subdivision to create two residential lots with construction of a duplex on one lot.

Waiver request Section VII C Storm Drainage

Applicant: Ezra Real Estate LLC

Owner of Record: John & Ann Hangen

#### **Applicant**

Mr. Steffen noted that Map 281 Lot 43 is no longer involved in this application. Attorney Peter Saari with Cassassa and Ryan, Jim Gove from Gove Environmental and Joe Coronati from Jones and Beach Engineers. Mr. Coronati explained the progress on the application and what has happened in the past several months. Mr. Coronati explained that the current plan is to eliminate the pavement currently on the property, and to remove stonewall located at the tip of the peninsula as well as to re-vegetate the area. The applicant has worked with the State Wetlands Bureau to make sure that everything is in compliance with the new Shore Land Protection rules. The applicant also will be removing the weed blocking plastic. The duplex is moved closer to Island Path, and in doing this they had to change the driveway configuration in order to make an 18-foot parking space for each unit. Mr. Coronati noted that the layout and lot lines have not changed but most of the recent work completed is voluntary mitigation measures, and working out the landscaping with Conservation Commission and the State.

Mr. Lessard asked about the parking spaces for the duplex. Discussion ensued on the Board about the driveway and outside parking spaces for the duplex and it was noted that there should be four parking spaces but six were listed on the plan. Mr. Loopley asked about the area that is to be re-vegetated and noted that there is a sewer line, which is marked for future. He questioned why this was there. Mr. Coronati noted that the reason it is there is because they didn't anticipate doing any construction work in that area, and that the term future use is how the town noted on their sewer cards. It was noted that this is a private sewer.

#### **Public**

No comment

#### **Board**

Mr. Higgins asked if the foot print has to be the one they build. The Board noted that this is purpose of the special permit. Mr. Steffen said the Board needed to act on the waiver requests for storm drainage. Mr. Higgins asked if this accurately reflects the piece of land that went to the Wheeler's property. Mr. Coronati noted that the lot line adjustment has not yet been recorded so it is not reflected on the plan. The Board discussed the Wheeler property and why it not being shown on the applicants plan. Mr. Higgins noted that there should be a dotted line on the applicants plan showing the Wheeler lot. Mr. Coronati noted that they could amend the plan to show the lot line adjustment. Chairman Emerick noted that the abutter letter by Brian Belanger was mostly about the Z.B.A.'s decisions. Chairman Emerick stated that once the Z.B.A. votes on something it is the law and the Planning Board is not at liberty to change their decisions. Mr. McMahon wanted to take the "future use" wording off the sewer on the plan, and replace it with the appropriate wording. The Board discussed previous waiver requests, and their relation to this project. Mr. Coronati noted that the application asked for the waiver because there are thousands of square feet of impervious surface being removed and they are replacing it with plantings and grass. There is also no drainage going on to abutting properties. He noted the route of the

## HAMPTON PLANNING BOARD

### Minutes

May 7, 2008 – 7:00 p.m.

drainage going across Island Path and into the marsh. Mr. Lessard was concerned that the drainage would be going on the public right of way. Mr. Coronati noted that not every house lot has infiltration on their property. Mr. Loopley questioned the maintenance of the rain garden and who would be responsible for maintaining them, Mr. Coronati noted that the unit owners of the duplex would be responsible.

**MOVED:** By Mr. Lessard to deny the waiver request Section VII C Storm Drainage.

### DISCUSSION

Mr. Higgins was concerned that the application reflects only one address when there are several lots. The applicant Mr. John Hangen explained that there have been many accusations about the property that has created concern. The State did site visits and released a letter saying they made an inspection and there were no violations to the original state approvals. The applicant noted that in retrospect the plastic weed guard should have not been put down in the first place. Mr. Hangen explained that the other lot was included because it was a contributory effort to repair the perception of what was wrong. The Board discussed the reason the property needed a drainage study. Mr. Steffen noted that this is a requirement of the subdivision regulations. Mr. Higgins believed that it should have only been for the duplex and not the other properties. The Board discussed being consistent with other applications that ask for drainage waiver requests.

**Second:** Mr. Higgins

**Vote: 2-5-0 Mr. Bateman, Mr. Emerick, Mr. Higgins, Mr. Loopley & Mr. Viviano**

**Opposed**

**MOTION DENIED**

**Moved:** Mr. Bateman to approve the waiver request Section VII C Storm Drainage

**Second:** Mr. Lessard

**Vote: 6-1-0 Mr. Higgins Opposed MOTION PASSED**

Mr. Higgins had a question about the 24 foot driveway opening that has already been violated on the plan. Mr. Steffen noted that the wording on the Planner's Memo was taken from Doug Mellin's memo to the Board Mr. Higgins also questioned the Town Manager's involvement in the planning process. The applicant said the original intent was 24 feet for single driveways and if there were changes or amendments to that it would go to the town manager for his approval. The Board stated that a driveway permit would be needed for lot 22-3. Item number three (3) on the Planner's Memo should read "A driveway permit for lot 22-3 which cannot exceed a 36 foot wide opening prior to issuance of a building permit". An item eight (8) should be to add a dotted line for the Wheeler subdivision that hasn't been recorded on the plan. Item nine (9) should be the sewer line on the plan shall not be marked for future use.

**Moved:** By Mr. Loopley approve the special permit to impact the wetlands to include the adjacent lot changes as shown on the current plan and with the conditions of the Conservation Commission letter and its Stipulation Checklist dated 02/26/2008.

**Second:** By Mr. Lessard

**Vote: 7-0-0 MOTION PASSED**

## HAMPTON PLANNING BOARD

### Minutes

May 7, 2008 – 7:00 p.m.

**Moved:** By Mr. Loopley to approve the subdivision for construction of a duplex on lots 22-1 & 22-2, revision April 30, 2008, with the conditions of the May 6, 2008 Planners Memo with the addition that item number three (3) on the Planner's Memo should read "A driveway permit for lot 22-3 which cannot exceed a 36 foot wide opening prior to issuance of a building permit". Item eight (8) on the Planner's Memo shall be to add a dotted line for the Wheeler subdivision that hasn't been recorded on the plan. Item nine (9) on the Planner's Memo shall be the sewer line on the plan shall not be marked for future use.

Second: **Mr. Lessard**

Vote: **7-0-0**

**MOTION PASSED**

**08-016 1048 Ocean Blvd. Continued from 04/02/08**

Map 116 Lot 4

Applicants: Dean Koravos

Special Permit to Impact Wetlands: To remove existing dwelling and larger concrete foundation that supports the decking to construct a new dwelling.

Owner of Record: Dean Koravos

### BOARD

Chairman Emerick noted the applicant has requested a continuance.

**MOVED** by Mr. Lessard to continue the referenced application to the June 18, 2008 Planning Board Meeting.

**SECOND** by Mr. Viviano

**VOTE:** 7-0-0

**MOTION PASSED**

**08-004 72 Kings Highway Continued from 02/06/08, 03/19/08, 04/16/08**

Map 210, Lot 4

Site Plan Review to provide 17 on-site parking spaces for lot occupants and customers, with fencing and plantings.

Waiver Requested: Section VE & VII C.

Owner of Record: M&F Hampton, LLC

### BOARD

Chairman Emerick noted the applicant has requested a continuance.

**MOVED** by Mr. Viviano to continue the referenced application to the June 18, 2008 Planning Board Meeting.

**SECOND** by Mr. Lessard

**VOTE:** 7-0-0

**MOTION PASSED**

## V. CONSIDERATION OF MINUTES of April 16, 2008

**Page 1:** "Mr. Lessard asked Mr. Steffen if he had the plan for the last temporary improvements because he believed that it was more than just one parking lot in the past." **Changed to** "Mr. Lessard asked Mr. Steffen if he had the plan for the last temporary parking lot because he believed that it was more than just one parking lot in the past."

**MOVED** by Mr. Viviano to approve the April 16, 2008 minutes as amended.

**SECOND** by Mr. McMahon

**HAMPTON PLANNING BOARD**

**Minutes**

**May 7, 2008 – 7:00 p.m.**

**VOTE:** 7-0-0

**MOTION PASSED**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

**1. Appointment of new representative to the Rockingham Planning Commission.**

- Peter Olney has resigned after many years of service as a representative to the Rockingham Planning Commission. The Board thanks Mr. Olney for his service. Anybody that would be interested in the position should notify the Planning Office before the May 21, 2008 meeting. The Board noted that this is a recommendation by the Planning Board to the Selectman, and it is the Selectmen who will make the appointment of the position.

**2. Driveway Regulations.**

- Chairman Emerick explained the Board has been provided with a proposed set of Driveway Regulations to consider. The State has requested the Planning Board have a set of regulations in place. Chairman Emerick asked the Board to read through the information so discussion can begin at the next meeting about adoption of driveway regulations.

**3. 750 Lafayette Road Site Plan Issue**

- Mr. Steffen explained that the town managers office has been receiving complaints about 750 Lafayette Road. The Town Managers letter notes that the applicant is not following the approved site plan. The complaint was about line of sight. The complaint is the owners of the property have violated the vote of the Board as well as the site plan regulations and other town ordinances. Mr. Viviano noted that the Planning Board has approved the site plan, and if an applicant does not follow what is approved that it is up to the Building Inspectors / Code Enforcement Officer to correct this, not the Board.

**4. Sewer easement relocation recommendation-Fielding Lane.**

- Mr. Green explained that they are relocating an easement. It was explained that Mr. Green has a sewer easement across the lot and wants to move it around the edge of the lot. The approvals to move the sewer have been granted but it is the moving of the easement that has not yet been approved by the Board of Selectman. Before they approve it they need a recommendation from the Planning Board.

**Moved:** by Mr. Lessard to recommend the Board of Selectmen change the sewer easement location on Lot 10-1 Fielding Lane, revision date April 25, 2008.

**Second:** by Mr. Loopley

**Vote:** 7-0-0

**MOTION PASSED**

**5. Planning Board representative to the Academy Facility Planning Committee.**

- Mr. Emerick noted that James Gaylord, Superintendent of Schools asked that we have a member of the Planning Board participate in their facilities planning. Mr. Loopley was

## HAMPTON PLANNING BOARD

### Minutes

May 7, 2008 – 7:00 p.m.

nominated and accepted the position as the Planning Board Representative to the Academy Facilities Planning Committee.

- The Planning Board needs alternates, those interested can attend the May 21, 2008 Meeting.
- Mr. Steffen explained that the NROC innovative land use regulation group is applying for a grant through NROC to hire a consultant to do storm water management regulation work.
- Mr. Higgins discussed the multiple continuances the Board has been getting at the last minute. He noted that more items on the agenda could be discussed, had the Board known that the scheduled applications would not be heard. Mr. Higgins noted that there needs to be discussion about the temporary parking lot requirements and driveway regulations. He suggested possibly having an upcoming agenda reflect a question and answer period about specific ongoing projects, possible violations and their progress. Mr. Higgins suggested each Board member make a list of projects to give to Mr. Steffen, so at the following meeting they could be addressed.

### VIII. ADJOURNMENT

**MOVED** by Mr. Viviano to adjourn.

**SECOND** by Mr. Loopley

**VOTE:** 7-0-0 **MOTION PASSED**

Meeting adjourned at 8:30

Respectfully Submitted,  
Candice Sicard  
Planning Secretary